

REMARKS

Claims 1-7, 10-20, 38-49 and 57-60 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 13, 38, 39, 46 and 60 have been amended while claim 20 is canceled in this response as shown on pages 2-7 of the Reply. Applicants' representative thanks the Examiner for the teleconference of April 9, 2008 wherein merits of the claims vis-à-vis the cited documents were discussed.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.a Rejection of Claims 1, 5-7, 10, 20, 46, 48-49, 58 and 60 Under 35 U.S.C. §102(e)

Claims 1, 5-7, 10, 20, 38-39, 41-46, 48-49, 58 and 60 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bessette (U.S. 6,263,330). Withdrawal of this rejection is requested for at least the following reasons. Bessette does not teach or suggest an identical invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed subject matter provides targeted health information to patients following their visits to their healthcare providers, based upon information about the patients received from various sources including the providers. To this end, independent claims 1, 46 and 60 recite similar features namely: *performing a query function utilizing the computer to retrieve from a database a list of data sources upon receiving the information, the query function based upon the received information about the patient, generates and automatically executes a set of queries containing query criteria based on the received information about the patient.* Bessette does not teach or suggest such claimed aspects.

Besset relates to a networked system for storage of medical records each of which include two parts. The first part is a collection of data elements containing information of

medical nature for a certain individual and a plurality of pointers providing addresses or remote locations where other medical data for that particular individual resides. The system also provides for execution of queries based on various criteria (*See Basset Abstract*). However, Basset does not teach or suggest a system generating the queries or automatically executing them to retrieve data sources pertaining to patient information upon receiving the patient information.

Rather Basset provides for viewing static medical records online. Information displayed includes the collection of data elements permitting to identify the person, as well as any medical data stored in the record, where this data is more or less of a static nature. The operator at the workstation, typically a physician, will also observe one or more pointers to files holding additional medical data. The second part of each pointer, the data part, indicates to the physician the basic nature of the data pointed to. He can therefore select the pointers of interest in the global set of pointers for that record and import the data through any appropriate data transfer protocol (*See Basset col.4 lines 27-34*). Thus, in accordance with Basset a physician or a healthcare provider only acts as a client to download or read information in the patient medical records. In fact, Basset provides for a separate archivist status in order to update the records (*See Basset col.10 lines 22-25*). Hence, it is clear that Basset does not teach or suggest a query function or system generated queries that are automatically executed based upon received patient information as recited in the subject claims.

In contrast, the claimed subject matter relates to receiving information from a healthcare provider and utilizing the query construction logic included within the system to generate a set of queries. (*See applicants' specification page 27 lines 1-9*). These queries are also automatically executed in order to update information in patient records based on current patient data from the healthcare provider. Such automatic generation and execution of queries provides for reduced effort on patients/providers to look for information and also mitigates the need for archivist as described by Basset to a certain extent.

In view of at least the foregoing, it is clear that an identical invention as recited in the subject claims is not taught or suggested by the cited document. Hence, this rejection should be withdrawn.

I.b Rejection of Claims 38-45 Under 35 U.S.C. §102(e)

Claims 38 - 45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bessette (U.S. 6,263,330). Withdrawal of this rejection is requested for at least the following reasons. Bessette does not teach or suggest an identical invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed subject matter provides for generating and updating patient information documents upon receiving information from healthcare providers regarding a current patient condition. To this end independent claim 38 recites *a first server that receives information about a patient from at least one source, the information about the patient including at least one code, the first server retrieves from the first database at least one list of content links based upon the at least one code and generates at least one document containing the at least one list of content links retrieved from the first database, wherein the first server selects a set of existing queries that correspond to information about a medical procedure to retrieve the at least one list of content links; the set of queries are generated based on one or more concepts identified from a definition or a conceptual equivalent of the definition of the at least one code and one or more contexts that characterize one or more selected concepts associated with the code.* Besset does not teach or suggest such claimed aspects.

As stated *supra* in connection with independent claims 1 and 46, Besset fails to teach or suggest automatic generation of queries based upon received patient information. Rather it teaches a system for maintaining static summary patient records that necessitate an archivist (a human user) for maintenance or updating the records. In contrast, the claimed subject matter provides for system query generation wherein codes associated with patient condition are obtained and definitions/explanations associated with these codes are analyzed to delineate their related/ alternative/equivalent concepts. In addition, context information associated with

a selected concept is also factored in to generate the queries (*See* applicants' specification as filed pages 33 line 3 – page 34 line13).

In view of atleast the foregoing it is clear that Besset fails to teach or suggest an identical invention as recited in the independent claim 38. Hence, this rejection should be withdrawn with respect to this claim as well as all claims that depend there from.

II. Rejection of Claims 2-4, 11-16, 47, 57 and 59 Under 35 U.S.C. §103(a)

Claims 2-4, 11-16, 47, 57 and 59 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bessette in view of Evans (U.S. 5,924,074). This rejection should be withdrawn for at least the following reasons. Besset and Evans, alone or in combination, fail to teach or suggest all aspects of the subject claims. Claims 2-16 depend from independent claim 1 while claims 47, 57 and 59 depend from claim 46 and as stated *supra*, Besset fails to teach or suggest each and every aspect recited in these independent claims. Evans fails to make up for this deficiency. Evans relates to a medical records system that generates and maintains patient data electronically but fails to teach or suggest system generation of queries and their automatic execution as recited in independent claims 1, 46. Hence, this rejection should be withdrawn with respect to claims 2-4, 11-16, 47, 57 and 59 that depend there from.

III. Rejection of Claims 17-19 and 40 Under 35 U.S.C. §103(a)

Claims 17-19 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bessette in view of Rozen, *et al.* (U.S. 6,073,106). This rejection should be withdrawn for at least the following reasons. Besset and Rozen, *et al.*, alone or in combination, fail to teach or suggest all aspects of the subject claims. Claims 17-19 and 40 depend from independent claims 1 and 38 and as stated *supra*, Besset fails to teach or suggest each and every aspect recited in these independent claims and Rozen, *et al.* fails to make up for this deficiency. Rozen, *et al.* relates to collecting emergency and confidential personal/medical information from individuals and providing such information to authenticated health facilities but fails to teach or suggest system generation of queries and their automatic execution as recited in independent claims 1, 38. Hence, this rejection should be withdrawn with respect to claims 17-19 and 40 that depend there from.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP1909USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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